

Appl. No. 10/759,629
Amdt. dated May 11, 2006
Reply to Office Action of February 13, 2006

REMARKS

Applicants have carefully reviewed the Office Action mailed February 13, 2006. Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claims 1 and 15 have been amended to clarify that the seal is formed around the transponder that is retained in the housing. No new matter has been added, as these amendments are supported in the originally filed specification and figures.

Applicants thank the Examiner for the indication of allowability (if rewritten in independent form) of claims 2, 4, 5, 10-13, 18, 19, 22 and 25, but believe that all of the pending claims are patentable.

Applicants respectfully traverse the Examiner's rejection of claims 1, 3, 6-9, 15-16, 20-21 and 23-24 under 35 U.S.C. §103(a) as unpatentable over Onuma, U.S. Patent No. 5,945,906, in view of Kunert, U.S. Patent No. 6,031,524. One of the requirements of a *prima facie* obviousness rejection is that the cited combination must disclose each and every claimed element. At a minimum, this requirement has not been met. Applicants do not concede that the other requirements of a *prima facie* obviousness rejection, i.e., motivation to combine and reasonable expectation of success, have been met.

As discussed in the previous Response, the claimed invention describes a remote control key (and a method of manufacturing such a key) that includes a transponder and a seal that is formed around the transponder in order to seal the transponder. The key also includes a pad that operates a transmitter. The pad and the seal are required to be formed of the same material. The Examiner has asserted that Onuma discloses a "seal (i.e. within the housing of the key 1) for sealing the transponder...". This is not correct. Nowhere does Onuma disclose such a seal.

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Rather, the Examiner appears to be assuming that such a seal is present. This is not an appropriate assumption to make.

As seen at column 2, lines 9-11 of the reference, Onuma notes that the button 1a is specifically in the head of the key, but only states that the transponder is in the key. Onuma does not require that the transponder be in the head of the key. Moreover, even if the transponder is located in the head of the key, Onuma does not actually describe or disclose the existence or location of a seal that seals the transponder. Further, Onuma does not actually disclose forming a seal around the transponder. This is a claimed element expressly missing from Onuma.

The Examiner relies upon Kunert as allegedly forming a pad and seal from the same material. Kunert is directed to replaceable portions of a hand-held portable data terminal. Kunert does not describe a remote control key. Thus, Kunert does not disclose forming a seal around a transponder located within a housing of a remote control key. As a result, Kunert cannot be considered as remedying the noted shortcomings of Onuma.

Thus, neither reference, either separately or in combination, describes a seal that is formed around a transponder in order to seal the transponder within a housing of a remote control key. Neither reference, therefore, can be considered as describing or suggesting forming a seal and a pad from the same material, as neither reference describes the seal itself. These are claimed elements not shown by either reference, and for at least this reason the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 14 and 17 under 35 U.S.C. §103(a) as unpatentable over Onuma, U.S. Patent No. 5,945,906, in view of Kunert, U.S. Patent No. 6,031,524, and further in view of Miller, U.S. Patent No. 5,331,325. Claims 1 and 15,

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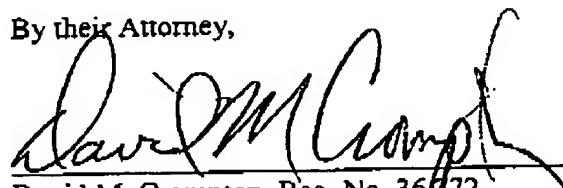
from which claims 14 and 17 depend, respectively, have been distinguished above as patentable over the Onuma and Kunert. Claims 14 and 17 add further distinguishing features and are similarly patentable over Onuma and Kunert. Miller is not believed to correct the noted shortcomings of the other two references, and thus claims 14 and 17 are patentable. Favorable reconsideration is respectfully requested.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,



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